(b) and (c) There is no rule either providing for or preventing the Government from taking such action.

(d) In the reply to part (b) of Unstarred Question No. 264 it had been stated by Government on July 24, 1997 that the requisite information is not available as the same is not monitored centrally. In so far as the Department of Personnel and Training is concerned, no officer who had retired from service has been given extension in service and promoted.

(c) Does not arise, in view of (d) above.

Directives to the CBI

1801. SHRI NARENDRA MOHAN: Will the PRIME MINISTER be pleased to state:

(a) whether, Government through the Cabinet Secretary, have directed the CBI to operate in silence and to avoid press exposure and to be sure of its judicial grounds, before the courts are approached;

(b) if so, what is the rationale behind these directions; and

(c) whether it would not compromise the much publicised Government version about autonomous character of this premier investigating agency?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS. (SHRI S.R. BALASUBRAMONIYAN): (a) No, Sir.

(a) and (c) Do not arise, in view of (a) above.

Action Against Erring CBI Officers Living in Noida

1802. SHRI MALTI SHARMA:
SHRI RAJ NATH SINGH:

Will the PRIME MINISTER be pleased to state:

(a) whether C.B.I officials can oppress and exploit the innocent people;

(b) if not, the details of complaints received from M.Ps. against CBI Officers living in NOIDA;

(c) what are the details of follow-up action, so far, in this regard;

(d) if not, what are the specific reasons therefor; and

(e) by when disciplinary/positive action would be initiated against the erring officials?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI S.R. BALASUBRAMONIYAN): (a) no, Sir.

(b) A complaint that one senior Scientific Officer-II of Central Forensic Science Laboratory (CBI) New Delhi as tenant had stopped paying rent, electricity and water bills after Aug., 1996 on various excuses to his landlady, was received in the CBI through a Hon'ble Member of Parliament.

(c) and (d) CBI has informed that the dispute has been settled by both parties, who have also given written undertakings that they will maintin amicable relations and the complaint has also since been withdrawn by the complainant viz. the land lady.

(e) Since the matter has been settled and the complaint has been withdrawn, no further action is required to be taken.

Request of the GOA Government for Transfer of a CBI Officer

1803. SHRI JOHN F. FERNANDES: Will the PRIME MINISTER of be pleased to state:

(a) whether it is a fact that Goa Government has asked for the transfer of a CBI officer in Goa as the Goa Government has. submitted a file containing malpractices/corruption charges against that officer;

(b) if so, the details thereof; and

(c) if not, what steps the Central Government have taken to clear the name of that officer?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS. (SHRI S.R. BALASUBRAMONIYAN): (a) to (c) Information is being collected and will be laid on the Table of the Sabha.

मध्य प्रदेश सरकार द्वारा केन्द्रीय अन्वेषण ब्यूरो को भेजे गये मामले

1804. **श्री राघवजी:** क्या **प्रधान मंत्री** यह बताने की कृपा करेंगे कि:

(क) मध्य प्रदेश सरकार द्वारा केन्द्रीय अन्वेषण ब्यूरो को भेजे गये उन मामलों का ब्यौरा क्या है, जो 15 जुलाई, 1997 को लंबित थे;

(ख) उन मामलों का ब्यौरा क्या है और वर्तमान में उनकी प्रगति क्या है; और

(ग) लंबित मामले कब तक सुलझा लिये जाने की संभावना है?

कार्मिक, लोक शिकायत और पेंशन मंत्रालय में राज्य मंत्री तथा संसदीय कार्य मंत्रालय में राज्य मंत्री (श्री एस०आर० बालासुब्रहमण्यन): (क) से (ग) केन्द्रीय अन्वेषण ब्यूरो द्वारा दी. गई सूचना के अनुसार 15 जुलाई, 1997 तक की स्थिति के अनुसार मध्य प्रदेश सरकार ने कुल तीन मामले केन्द्रीय अन्वेषण ब्यूरो को भेजे जो कि जांचाधीन हैं। इन सभी मामलों में जांच कार्य के पूरे होने के पश्चात् कानून के अनुसार कार्रवाई की जाएगी।

Outdated Laws on Corruption

1805. SHRI ANANTRAY DEVSHANKER DAVE: Will the PRIME MINISTER be pleased to state:

(a) whether Government's attention has been drawn to a news item entitled 'Outdated laws net the innocent, but let off corrupt officials' which appeared in the Times of India, dated the 19th May, 1997;

(b) if so, Government's reaction thereto; and

(c) the corrective measures Government propose to take in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI S.R. BALASUBRAMONIYAN): (a) to (c) Yes, Sir, As far as prior sanction of the Central Government or the State Government under the Prevention of Corruption Act, 1988, for prosecution of a public servant in a Court of Law for certain offences is concerned, it is not correct to say that under the provisions of this Act the bureaucrats, including those working in investigating and enforcement agencies have been enjoying immunity. The requirement of prior permission of the Central or State Government has been provided under the law of the country to ensure that there is no prosecution of public servants on frivolous, malicious and vexatious grounds. Sanction for prosecution in cases, where there is prima-facie evidence, is accorded by the competent authorities according to the prescribed procedure. These provisions in the law have stood judicial scrutiny and test of the time. The Hon'ble Supreme Court of India in R.S. Nayak Vs. A.R. Antulay in Criminal Appeal No. 356 of 1983 and Transferred case No. 347 of 1983 ruled that grant of sanction for prosecution is not an idle formality but a solemn and sacrosanct act which removes the umbrella of protection of Government servants against frivolous prosecutions and the aforesaid requirement must, therefore, be strictly complied with before any prosecution could be launched against public servants. The above provisions in the Prevention of Corruptions Act, 1988, have been meeting the objective for which these were made.